

FILED - USDC -NH
2022 AUG 15 AM 11:48

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Broc T. Waltermeyer,
Plaintiff,

v.

Case No.: 19-cv-233-LM

Robert Hazlewood, Warden, FCI Berlin,
Diane Kisler, Health Services Director,
Defendants.

MOTION REQUESTING LEAVE TO FILE OUT-OF-TIME
OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATIONS
AND NOTICE OF PLAINTIFF'S CORRECT ADDRESS

Broc T. Waltermeyer, proceeding pro se, respectfully notifies this court of his correct address, and requests leave to file out-of-time objections to the Magistrate's Report and Recommendations. See Dkt. 21.

On or about March 4, 2019, Waltermeyer filed the instant civil action in this court pursuant to Bivens v. Six Unknown Named Agents of the Fed. Bur. of Narcs., 403 U.S. 388 (1971). Dkt. 1. On June 7, 2019, Counsel for Defendants filed an objection to the action. Dkt. 10. On July 26, 2019, Counsel for Defendants filed a motion giving this court notice that Waltermeyer had been "redesignated ... from FCI Berlin to FCI Coleman." Dkt. 12^{/1} And in October of 2019, Waltermeyer, after several months in transit, finally arrived at FCC Coleman Low.

On August 5, 2022, Waltermeyer received this court's Report and Recommendation. See Dkt. 21. However, the address used to deliver service on Waltermeyer is incorrect. See Attachment "1" (copy of envelope). Waltermeyer has written a letter to the Clerk of the Court notifying him of this change. Additionally, pursuant to

^{/1} Waltermeyer does not have a copy of his docket, and apologizes for any inaccurate entries as a result.

D.N.H.L.R. 83.6(e), Waltermeyer also provides his correct address below, so that henceforth the parties may serve him in a timely fashion:

Broc T. Waltermeyer
Reg. No.: 18002-047
Federal Correctional Complex
Unit A-1 (Low Custody)
P.O. Box 1031
Coleman, FL 33521-1031

Waltermeyer is unaware as how the "Wildwood, FL" address came to be used, but as a result of this inaccurate address, he unfortunately missed the 14-day window by which to submit objections to the Magistrate's Report and Recommendations. See Dkt. 22 (entry filed on June 21, 2022). As shown in the returned envelope, the letter was postmarked "Jun 21, 2022," but was not received by FCC Coleman Legal Mail until "8-5-22." Attachment "1".

Waltermeyer respectfully requests leave to file out-of-time objections to the Report and Recommendations, up to and including September 15, 2022.

Respectfully submitted^{/2} by Broc T. Waltermeyer on this 8th day of August, 2022:

Broc T. Waltermeyer
Reg. No.: 18002-047
Federal Correctional Complex
Unit A-1 (Low Custody)
P.O. Box 1031
Coleman, FL 33521-1031

CERTIFICATE OF SERVICE

This motion was delivered to the prison mailing authorities on the same day as signed, and placed in a postage-prepaid, properly addressed envelope. The original motion was delivered to the United States District Court for the District of New Hampshire, Office of the Clerk at 55 Pleasant Street, Room 110, Concord, New Hampshire, 03301. A copy of this motion was delivered via United States First Class Mail to Counsel for Defendants, at 53 Pleasant Street, Fourth Floor, Concord, New Hampshire, 03301.



Broc T. Waltermeyer

VERIFICATION

Underpenalty of perjury pursuant to 28 U.S.C. § 1746, I hereby declare that the factual allegations and factual statements contained in this motion are true and correct to the best of my knowledge.



Broc T. Waltermeyer

^{/2} Pursuant to Johnson v. Avery, 493 U.S. 893 (1969), I received assistance from a fellow inmate in the preparation and filing of this motion.

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June 8, 2022

Broc T. Waltermeyer, #18002-047
Federal Correctional Complex
Unit A-1 (Low Custody)
P.O. Box 1031
Coleman, FL 33521-1031

United States District Court
Office of the Clerk
55 Pleasant Street, Room 110
Concord, NH 03301

Re: Notice of Change of Address and Request for Docket

Dear Clerk,

Pursuant to D.N.H.L.R. 83.6(e), I respectfully request a change of address. The current address is wrong. Please use the above-listed address for all future correspondence.

Also, I respectfully request an updated docket in my civil action, Waltermeyer v. Hazlewood et al., Case No.: 19-cv-233-LM.

Thank you for your time and attention to this matter.

Regards,


Broc T. Waltermeyer

Broc T. Waltermeyer, #18002-047
Federal Correctional Complex
Unit A-1 (Low Custody)
P.O. Box 1031
Coleman, FL 33521-1031

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United States District Court
Office of the Clerk
55 Pleasant Street
Room 110
Concord, NH
03301

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